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Held at the Palais des Nations, Geneva,
on Tuesday, 2 April 2002, at 10 a.m.

Chairperson: Mr. JAKUBOWSKI (Poland)

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The meeting was called to order at 10.10 a.m.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF CHINA

1. Mr. WANG Guangya (China) said that the promotion of human dignity and human rights had been the constant quest of mankind and that the United Nations had made great progress in formulating human rights instruments, eradicating colonialism and apartheid, preventing human rights violations as a result of aggression and occupation and increasing awareness of human rights. Nevertheless, as humankind entered the new century, peace and development remained elusive and the international cause of human rights still faced multiple challenges. Increased racial hatred and conflict had caused new suffering, poverty was a growing problem in many developing countries and human rights were often held hostage to serve political ends. As a result, the question of how to facilitate healthy development of the international cause of human rights had become a subject of widespread concern and reflection.

2. Peace and stability were essential for the full realization of human rights and the international community should seek to remove the root cause of armed conflicts and human rights violations by cultivating a new concept of security based on trust, mutual benefit, equality and coordination and solving all disputes by peaceful means. That would ensure lasting peace and stability at the regional and international level. In that context, he expressed his Government's deep concern at the escalating violence in the Israeli-Palestinian conflict; the international community must devote more attention to the Middle East peace process and the promotion of human rights in the region, including the right to self-determination of the Palestinian people.

3. Economic and social development were the best building blocks for the full enjoyment of human rights but, at a time of unparalleled material and spiritual wealth, the benefits of modern science and technology and economic globalization were still not fully accessible to all countries. Many children received no schooling and, given the widening gap between rich and poor, poverty was still the main obstacle to the full enjoyment of human rights. The international community must attach greater importance to economic, social and cultural rights and the right to development and support the developing countries, particularly the least developed countries, in their poverty alleviation efforts. It should also promote a participatory, fair and win-win approach to globalization.

4. Respect for international law and for the basic norms governing international relations, such as national sovereignty, were also essential for the protection of human rights. International human rights instruments must be effectively implemented by national legislative, judicial and administrative measures and must have the support of the people. It was counterproductive to try and make decisions for others. Given the diversity of humankind, it was only natural for each country to follow its own path towards human rights; it was neither practical nor democratic to ask all countries to adopt a single social system and lifestyle and to measure such a diverse world against a particular set of values. All countries, regardless of their size, strength or wealth, must be equal.

5. Human rights must be promoted through international exchange and cooperation, based on a spirit of tolerance. All civilizations were equal in value and respected human rights, the

common treasure of mankind. All countries, developed and developing alike, were obliged to further, promote and protect human rights and the members of the international community should respect and learn from each other, working for more cooperation and less confrontation, more exchange and understanding and less pride and prejudice.

6. The promotion of human rights went hand in hand with counter-terrorism, because terrorism constituted a gross violation of human rights and was the common enemy of all humankind. China, too, was a victim of terrorism and his Government fully supported the international community in its resolve to defeat terrorism. There should be no double standards in that regard but rather a consistent position on terrorism, no matter what its form or target or where it occurred. Although immediate steps must be taken to deal with current incidents of terrorism, its root causes must be addressed if a long-term solution was to be found.

7. Chinese society had always upheld the value and dignity of the human person. Having suffered from the aggression and bullying of the big Powers in recent history, China was keenly aware of the value of peace and the importance of development. On the basis of its cultural heritage and historical experience, it had found a way to promote human rights suited to its national conditions. His Government was dedicated to economic development and also attached importance to building democracy and the rule of law; it protected individual rights and promoted reform and opening-up, but also advocated social responsibility and social stability. That had made China a cohesive society, a vibrant country and a hopeful nation.

8. Over the past 50 years, its gross domestic product (GDP) had increased to sixth place in the world. The ranks of the poor had been reduced by 200 million, the people could elect their representatives, own houses, travel abroad and enjoy freedom of religion. Both boys and girls received an education, there were career opportunities for young people and senior citizens could enjoy a peaceful retirement. Never before had China experienced so much equality, freedom, openness, prosperity and happiness.

9. Although the human rights situation in China, like that of every country, was not perfect, his Government and people remained committed to human rights. They were ready to strengthen their dialogue with States, the Office of the High Commissioner for Human Rights (OHCHR) and international organizations on the basis of equality and mutual respect and a positive and open approach, with a view to learning and making progress together. In that connection, he noted that the Commission, the core United Nations body in the human rights field, had done much to promote human rights, despite being at times a forum for East-West confrontation and politicization. Currently the Commission had before it many useful suggestions relating to its priorities and methods of work. For the sake of its credibility and human rights in the world, the members must choose between pressing ahead to seek common ground on a basis of cooperation and dialogue or perpetuating the bad habits of recriminations and confrontation.

STATEMENT BY THE PRIME MINISTER OF TOGO

10. Mr. MESSAN KODJO (Togo) said he regretted that immoral and unethical forces continued to hinder human progress. Violations of women's and children's rights, famine and poverty were still barriers to full enjoyment of human rights and he stressed the essential role

played by the Commission and by the High Commissioner for Human Rights in defending and promoting those rights. It was with much regret that his Government had learnt of her decision to leave her office.

11. His country believed in human rights and Togo had been the first African country to establish a national human rights commission. His Government promoted education and human rights education in particular, including for the armed forces. More than 50 international instruments had been ratified and his Government met all its reporting obligations under them.

12. He therefore once again categorically rejected allegations of hundreds of extrajudicial executions in the context of the June 1998 presidential elections, as reported by Amnesty International in May 1999. He recalled that his Government had immediately demanded a joint United Nations/Organization of African Unity (OAU) investigation which had concluded that the allegations could not be substantiated. A national commission of inquiry had also been established which had likewise reported that most of the allegations were unfounded.

13. There had been other cases of unfounded accusations, such as the student leader who had supposedly been executed by the armed forces but who was later found to be living in Chad and Togolese citizens who had been encouraged by the opposition to flee the country and demand asylum abroad on the basis of false claims of persecution or danger. All those cases were merely cynical attempts by the opposition to use human rights to manipulate international opinion and discredit the legitimate authorities.

14. Although he acknowledged that the human rights situation in his country was not perfect and that some abuses occurred, it was quite wrong to believe that such violations were the result of a deliberate policy of systematic human rights violations in a country which, even before the establishment of a democratic system, had been congratulated on its human rights efforts.

15. It was regrettable that certain opposition leaders were blinded by ambition and ready to use any means for their political ends. Free elections had been held in Togo from 1985 onwards and the time had come to put an end to the campaign of unsubstantiated allegations against his country. His Government would continue its tradition of cooperation with and generosity towards its neighbours and, firm in its conviction that harmony between nations and individuals and a human-centred approach were key elements in building a better future, would continue to work to promote full enjoyment of all human rights and a world free of lies, manipulation and self-interest.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF VIET NAM

16. Mrs. TON NU THI NINH (Viet Nam) said that, in the shock of the aftermath of the events of 11 September 2001, there had been hope that the need to build a coalition to fight terrorism would cause unilateralism to be replaced by a greater recognition of the need for multilateralism and respect for the concerns and interests of others. Unfortunately, that hope had been short-lived and there were trends in international relations which did not augur well for human rights. Unilateralism had, in fact, become more pronounced, with the main proponent of an international coalition leaving no room for others to analyse the root causes of terrorism and

determine the means to achieve what should be consensus objectives. There was a difference between a truly multilateral coalition of partners acting in concert and a situation where one State led and all others were expected to follow.

17. She expressed concern that, in the name of bringing to justice those responsible for the World Trade Center attack, whose direct guilt had yet to be proved through due process of law, the State which had been the victim of that attack was arbitrarily interpreting international instruments. That State was trying to be both player and referee; while advocating multilateralism it had chosen expediency over principle and continued to act unilaterally.

18. The Middle East conflict has been oversimplified, and had been reduced to a war against terrorism. The Palestinian people and their leaders had been labelled as terrorists, allowing the real cause of the suicide bombings to be neglected, namely, the utter despair borne of occupation and humiliation. It was important to understand the phenomenon of suicide bombings objectively, rather than to attempt to justify the unacceptable deaths of innocent civilians.

19. Her Government welcomed the efforts made by the European Union in the field of development and poverty eradication and the fact that it advocated the implementation of human rights. The issues addressed at the recent International Conference on Financing for Development also had an impact on human rights. It was hoped that the influence and size of the group of countries that had achieved the percentage of GDP devoted to official development assistance (ODA) set out in the Millennium Declaration would increase.

20. Referring to the statement made by the Like-minded Group of countries at the beginning of the session, she said that, while her Government recognized the significant role played by non-governmental organizations (NGOs) in the field of human rights, it was important that they should be held accountable, especially for their statement and accusations and should have financial and political independence. Critical consideration of the role and behaviour of NGOs was somehow considered unfashionable in the current media-driven world. Such organizations nevertheless wielded significant power in terms of public opinion and should be urged to use that power appropriately and with a sense of responsibility.

21. Her country's efforts and achievements with respect to democracy and human rights were embedded in the founding motto of the republic, namely, independence, freedom and happiness, and achievements at both the community and individual levels were not negligible. Human rights had been given a prominent place in the 1992 Constitution, the goal of the Vietnamese State being "a prosperous people, a strong nation, an equitable, democratic and cultured society".

22. Considerable efforts had been made to fill a sizable legal vacuum and to bring existing legislation up to date, as well as to adhere to numerous international human rights instruments, including the 15 International Labour Organization (ILO) conventions that had been ratified since her country rejoined the Organization 10 years previously. Viet Nam was party to eight international human rights instruments and had recently acceded to the two optional protocols to the Convention on the Rights of the Child. It was also party to three conventions and one protocol against terrorism and was actively considering accession to several other relevant international instruments. Efforts were being made to integrate international legal

instruments into domestic law and to comply with reporting obligations. Law enforcement remained a crucial area where more systematic efforts and effective measures were needed.

23. Democracy and good governance were high on the agenda set by the Party Congress in 2001. At the heart of the administrative reform was the goal of a democratic and gradually modernized public administration and the recognized need for decentralization. A referendum law was to be drafted and law awareness education was to be undertaken more systematically. Over 26 per cent of the members of the National Assembly were women and over 10 per cent were from ethnic minorities.

24. With regard to economic and social rights, the situation was quite good. In terms of per capita GDP, Viet Nam could qualify as a least developed country but literacy and basic health indicators rose above the established threshold. In the last decade, poverty had been reduced by half while sustaining average economic growth of about 7 per cent and efforts had been made to open up to the outside world. Attempts had also been made to create the right conditions for the effective implementation of human rights, especially in the sphere of economic, social and cultural rights, but more needed to be done to combat violations of such rights.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (continued) (E/CN.4/2002/6, 11, 13, 29-32, 126-129 and Corr.1, 131, 147, 159 and 160; E/CN.4/2002/NGO/23, 103, 115, 130 and 165)

25. Mr. MADI (Observer for Jordan) said that, if Israel truly wanted peace, security, accepted borders, an end to violence and the realization of its dream that its children should live in harmony and peace, it should end its occupation of the Arab territories. If the Commission was truly concerned with the human rights of the Palestinian people, it should find means of ending the Israeli occupation.

26. Mr. AL TOUIH (Observer for Oman), having endorsed the statements made on behalf of the League of Arab States and the Organization of the Islamic Conference (OIC), said that the situation in the occupied Arab territories had been deteriorating for the past 18 months and violations of all human rights were occurring every day. Indeed, they had escalated to unprecedented proportions owing to Israeli army action against refugee camps and other civilian centres. The ensuing crimes against humanity, which constituted flagrant violations of international humanitarian law, had been denounced by the international community but above all by the Palestinian people, whose rights - including the right to life - had been so severely curtailed.

27. He drew attention to a comment by the Special Rapporteur on the right to freedom of opinion and expression (E/CN.4/2002/14, para. 23) that "the situation of continued occupation was making human rights problems endemic and that any attempt at solving those problems was impossible without an end of the occupation". His delegation thus welcomed the proposal by Crown Prince Abdullah of Saudi Arabia.

28. In the face of the deteriorating humanitarian situation, he called on Israel to implement Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) and the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), and to end its occupation of the Arab territories, the Syrian Golan and the Shebaa Farms in Lebanon.

29. Mr. MOLEY (Observer for the United States of America) said that his delegation was deeply concerned about the continuing escalation of violence in the Middle East and distressed to witness the suffering on both sides. His Government was working hard to reverse that tragic situation, beginning with efforts to end the violence so that negotiations aimed at reaching a final settlement could resume. The aim of the President's Special Envoy was to begin implementation of the Tenet Plan: only through cooperation on security could the parties move forward on implementing the Mitchell Report recommendations.

30. In the Security Council, his delegation had introduced resolution 1397 (2002) and voted in favour of resolution 1402 (2002). Both resolutions demanded an immediate cessation of all acts of violence and had won broad international support. While the human rights records of both the Palestinian Authority and the Israeli Government in the occupied territories had been poor over the past year, the Commission tended to adopt unbalanced and polemical resolutions which inflamed public opinion and made it harder to restore trust.

31. The Commission's devoting an item of its agenda to the situation in the occupied territories, when other human rights situations did not receive the same attention, was also imbalanced, as was the appointment of a Special Rapporteur with an open-ended mandate to report on Israeli Government actions in the occupied territories. It was hard to understand why the Commission had failed to extend the mandate to human rights abuses committed by the Palestinian Authority.

32. Some of the language in the draft resolutions at the current session was even more inflammatory than in the past. One sought to give the stamp of approval to the Palestinians' use of "all available means" to resist Israeli occupation, erroneously asserting that the right to use all available means was enshrined in the Charter of the United Nations. At a time when the international community had been united in its condemnation of international terrorism, the Commission would be required to support the use of terrorism and violence against Israeli citizens. The same draft resolution failed to acknowledge another right, namely that of any country to act in self-defence. Such a lack of balance weakened the Commission's credibility and would not improve the situation in the occupied territories. Security Council resolution 1397 (2002) offered the blueprint for the approach that should be taken.

33. Mr. MANSOUR (Observer for Tunisia) said that the situation in the occupied Arab territories had reached a particularly critical stage, in view of the constant human rights violations by the Israel Defence Forces (IDF). The report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (E/CN.4/2002/32), which his delegation endorsed, reflected the despair in the region. The IDF continued to use force, creating thousands of martyrs and destroying houses and infrastructure throughout the Palestinian territories. His delegation, which supported the statements made on behalf of the League of Arab States and the OIC, condemned the occupation, together with all the accompanying human rights violations. Illegal settlements must be brought to an end. The

IDF must withdraw and the Fourth Geneva Convention must be implemented. It was imperative that the parties should return to the negotiating table and seek a comprehensive solution.

34. His delegation supported the right of the Palestinian people to self-determination, in accordance with the resolutions of United Nations bodies. It had also supported the terms of the Madrid Conference. In that context, it had consistently urged the international community to ensure that Israel fulfilled its responsibilities. Both parties should recognize that the way ahead lay with the implementation of Security Council resolutions 1397 (2002) and 1402 (2002). Only thus could a peaceful solution be found and an end to the hotbed of tension in the Middle East achieved.

35. Mr. AL-ABOODI (Observer for the United Arab Emirates) said that the situation unfolding in the Palestinian territories was a tragic one. Women and children were being killed with no justification, international standards and humanitarian principles were violated, unarmed civilians were targeted and infrastructure, houses and land were destroyed by shelling from the land and bombing from the air. Attacks on ambulances violated all humanitarian standards, especially those of the Fourth Geneva Convention. Another flagrant violation of international law was the virtual imprisonment of the legitimate representative of Palestine by the IDF.

36. In the face of such conduct, the international community had failed to send forces to protect the Palestinians, thus enabling the IDF to aggravate the situation still further. The international community should send observers to the region to see what was happening for themselves. Israel must implement all international resolutions and withdraw not only from the Palestinian territories but also from the Syrian Golan and the Lebanese Shebaa Farms. A Palestinian State, with Jerusalem as its capital, must be established, or else the situation would deteriorate still further.

37. Mr. NASR (Observer for Lebanon) drew attention to the human rights violations that had occurred not only in the Palestinian territories but in the Syrian Golan and Shebaa, Lebanon, which had been occupied since 1967. Houses and infrastructure had been destroyed and new settlements introduced. Settlers had changed the demographic nature of many towns and villages.

38. His delegation called on the Israeli Government to withdraw its forces. The Commission, meanwhile, should investigate Israel's human rights practices. There had been no improvement since 2001 when the High Commissioner's report (E/CN.4/2001/114) had appeared: human rights were still being violated on a daily basis. Israel, while insisting on the importance of its own human rights, flouted those of others; it believed only in the use of fire and force. It was no surprise to an unbiased observer that Israel systematically violated human rights. It had set up internment camps, with the support of its Supreme Court, which had found a spurious legal justification for administrative detention.

39. In the face of a situation where the Palestinian people were victims of bombers, helicopters and tanks, Israel clearly did not recognize the right of the Palestinians to Statehood but preferred to maintain its occupation by force, even in violation of international law.

40. The CHAIRPERSON invited the observer for Israel, who had not used all the time at his disposal at the previous meeting, to finish his statement.

41. Mr. RAMLAWI (Observer for Palestine), speaking on a point of order, said that the observer for Israel had exercised his right of reply and had no right to another. If that observer were allowed to speak, he would himself request a right of reply.

42. The CHAIRPERSON drew attention to the note by the Secretariat on the main rules and practices followed by the Commission in the organization of its work and the conduct of business (E/CN.4/2002/16) paragraph 15 of which specified that concerned countries were allowed five minutes in addition to their normal speaking time under the relevant item.

43. Mrs. RAJMAH (Malaysia), speaking on behalf of the OIC, supported the observer for Palestine. The rule quoted by the Chairperson applied only to agenda item 9. She trusted that the Commission would not be manipulated into giving the observer for Israel an additional opportunity to state his case.

44. The CHAIRPERSON said he took exception to the use of the word "manipulated". He had never manipulated the Commission and never would. The Commission had indeed decided on its new rules at the beginning of the debate on agenda item 9; but the additional five minutes were available to any concerned country.

45. Following a procedural discussion, in which Mr. SALLOUM (Syrian Arab Republic), Mr. RAMLAWI (Observer for Palestine), Mr. LEBAKINE (Secretary of the Commission), Mr. MIRGHANI IBRAHIM (Sudan), Mr. ARENALES FORNO (Guatemala) and Mr. FERNANDEZ PALACIOS (Cuba) took part, the CHAIRPERSON invited the observer for Israel to resume his statement.

46. Mr. LEVY (Observer for Israel) said that, since 1993, several agreements between the Palestinians and the Israelis had been signed and implemented. A fundamental element of all the agreements had been the absolute renunciation of violence and terrorism, a commitment to crack down on terrorists and a pledge to resolve all differences through negotiations.

47. Contrary to some assertions at the current session, suicide bombings against Israelis were not a sign of new frustrations: the first - in which 20 young Israelis had been killed - had taken place shortly after the signing of the Oslo Accords. In March 2002, 122 Israelis had been murdered. Over the Passover holidays, 5 suicide bombings had occurred, killing over 40 and wounding hundreds. On a single occasion, a suicide bomber had killed 22 people and wounded dozens. During the past week, two other suicide bombers had been intercepted entering Jerusalem. Had they not been intercepted, similar massacres would have occurred.

48. Even since the arrival of the Special Envoy of the President of the United States, 50 terrorist attacks had taken place, including the incident a few days earlier when a Red Crescent ambulance had been used by Palestinians to try to smuggle an explosive belt for a suicide bomber.

49. Several speakers had attempted to draw a distinction between two kinds of terrorism: one they condemned, the other they excused as being "resistance", which they defined as legitimate. Such a distinction was morally flawed and lacked any legal basis. It attempted to establish a precedent for use against Israel. If accepted, it could subsequently be used against any Member State of the United Nations.

50. When struggling to defend itself against terrorism while maintaining its democratic nature, his Government faced many dilemmas, especially when faced by terrorists who purposely established their bases of operations within civilian institutions.

51. His Government was aware of the risk entailed in current operations against terrorist cells located in residential areas or refugee camps. It was, however, compelled to dismantle laboratories established in such camps for the preparation of bombs, suicide belts and Kassam-2 rockets. The cache of arms discovered in Mr. Yasser Arafat's headquarters had been displayed on television. Had Mr. Arafat fulfilled his obligation to dismantle such facilities, to arrest terrorists instead of providing them with a safe haven and to stop the constant incitement to violence, there would have been no need for the Israeli action.

52. Ms. MINA (Observer for Cyprus) said that her Government was deeply concerned at the breakdown of the peace process and the violence in the Middle East, and had issued a statement urging Israel to withdraw immediately from Ramallah and the Palestinian territories. It had long held the view that the Palestinian problem was the core of the Middle East conflict and that, unless a solution was found based on the implementation of Security Council resolutions 242 (1967) and 338 (1973), the international community could not hope to achieve a comprehensive and lasting solution to the problem.

53. Her Government supported the fulfilment of the inalienable rights of the Palestinian people, including the creation of their own State, and urged both parties to work immediately towards finding ways to stop the disturbing cycle of violence, while respecting the provisions of the Fourth Geneva Convention. It welcomed the recent adoption of Security Council resolution 1397 (2002), calling for the creation of a Palestinian State, and underlined its support for the non-selective, comprehensive and immediate implementation of the Mitchell Report and Tenet Plan as steps towards the resumption of the peace process.

54. Cyprus had shown its commitment to solving the conflict by inter alia hosting meetings, including the meeting of the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People, scheduled for April 2002. Every effort should be made to adopt and implement Security Council resolution 1402 (2002) without delay.

55. Mr. HILALE (Observer for Morocco) said that, since the beginning of the second intifada in September 2000, the situation in the occupied Palestinian territories had deteriorated significantly. His Government was deeply concerned at the continuing decline in the living conditions of the Palestinian people and the serious and repeated violations of their fundamental rights by the IDF. The report of the Commission's Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (E/CN.4/2002/32), together with the reports provided by representatives of the International Committee of the Red Cross (ICRC) and NGOs, indicated that serious human rights violations were being committed by

Israeli troops. Among them were collective punishment, the use of excessive military force, the closure of towns, the confiscation of land, the destruction of homes and infrastructure and the murder of Palestinians in positions of authority.

56. Weapons were being used indiscriminately in civilian zones and in refugee camps with the aim of inflicting maximum destruction in terms of human life. Many of the victims were children. Hospitals and ambulances had also been hit. The approach adopted and applied by the Government of Israel was prohibited by international law. According to the Special Rapporteur, when children were caught throwing stones they were arrested and placed in detention centres where they were subjected to brutal treatment before being sentenced to several months in prison. According to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Israeli troops had taken over UNRWA facilities when they had recently reoccupied the refugee camps. They had shot at villages from the schools and had used the health centres to concentrate their prisoners.

57. Israel had recently gone beyond the point of no return by desecrating the Esplanade of the Al-Aqsa Mosque and shelling the headquarters of President Arafat. In January 2002, King Mohamed VI, Chairman of the Al-Quds Committee, had called upon the international community to protect the Palestinian people in messages addressed to the five permanent members of the Security Council, the Spanish Presidency of the European Union and the Secretary-General of the United Nations. He had drawn attention to the commitment made by the international community after the tragedy of 11 September 2001 to put an end to terrorism.

58. It was clear that violence and humiliation would breed only hatred and violence. Therefore, his Government underlined the need to end the spira of violence and condemned any acts targeted at civilians on either side. The international community was urged to do everything in its power to implement international law and to put an end to the occupation of Arab territories.

59. The recent adoption of the Prince Abdullah peace initiative by the Beirut Summit of the League of Arab States represented an historic opportunity to replace weapons with dialogue, to create a climate of trust between Israelis and Palestinians and to encourage the establishment of a new period of coexistence.

60. Mr. BIN HASSAN (Observer for Yemen) said that the serious violations by Israeli troops in the occupied Arab territories ran counter to Security Council resolution 1397 (2002) and the international human rights instruments. According to the reports listed in the note by the Secretary-General on the question of the violation of human rights in the occupied Arab territories, including Palestine (E/CN.4/2002/31), Israeli violence was on the increase. The media had recently been evacuated from the occupied territories leaving the IDF free to destroy without any witnesses the infrastructure that had been built with the assistance of the European Union.

61. His Government called for the immediate cessation of violence and for an end to the Israeli occupation, as well as the creation of a fact-finding commission to report on the crimes committed by the IDF. All the conclusions of the fact-finding commissions should be implemented, particularly the findings published in the report of the Special Committee to

Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/56/491); Israel had so far refused to cooperate with that Committee.

62. His Government also called for the release of the Palestinians held in Israeli prisons. Lastly, he emphasized the fact that Yemen had participated in the 1991 Madrid Conference marking the beginning of the Middle East peace process.

63. Mr. F. AL-THANI (Observer for Qatar) said that his delegation had studied the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (E/CN.4/2002/32) which clearly indicated violations of human rights by the Israelis in the occupied territories. Peace could not be achieved as long as the Israelis continued to practice arbitrary measures in those territories. His Government condemned the Israeli occupation of Palestinian towns and the attack on the headquarters of President Arafat. It considered those operations to be acts of terrorism which ran counter to all peacemaking efforts.

64. Although the Israeli practices had been widely condemned, the Government of Israel had refused to implement the international treaties that would put an end to its acts of aggression in the occupied territories, underlining its disregard for those treaties. The international community must extend protection to the Palestinian people according to the terms of the Fourth Geneva Convention and take the necessary steps to put an end to the crimes being perpetrated against the inhabitants of the occupied territories.

65. Mr. BA (Observer for Mauritania), having stated that his delegation endorsed the statements made by the representative of Malaysia on behalf of the OIC, the observer for Egypt on behalf of the League of Arab States and the observer for Tunisia on behalf of the African Group, said that the Commission's consideration of agenda item 8 coincided with a period of escalated violence in the occupied territories, a deterioration in the living conditions of the Palestinian people and the Ramallah closure. His Government urged Israel to end the violence, particularly the danger to the safety of President Arafat.

66. The IDF action was taking place despite the adoption of the peace initiative at the Beirut Summit of the League of Arab States, an initiative that represented a clear vision of peace in the Middle East and an approach that would permit a lasting solution to the conflict. The Security Council had adopted resolution 1397 (2002) in which it affirmed its vision of a region in which two States, Israel and Palestine, lived side by side within secure and recognized borders.

67. Israel was required to withdraw from the occupied territories by Security Council resolution 1402 (2002), thus constituting the first step towards restarting the peace process and the creation of an independent Palestinian State. Dialogue and negotiation were the best way to end the conflict and to achieve a lasting peace, whereby all the peoples concerned would be guaranteed security and stability.

68. The Commission could contribute to the realization of those objectives by endorsing the recommendations of its Special Rapporteur on the situation of human rights in the occupied territories, particularly the recommendations concerning an international presence in the occupied territories, condemning the use of force against the civilian population and calling for the implementation of the relevant Security Council resolutions.

69. Ms. ANGERGARD (World Young Women's Christian Association (World YWCA)), speaking also on behalf of the Women's International League for Peace and Freedom (WILPF), World Movement of Mothers, the General Arab Women Federation, the World Alliance of Young Men's Christian Associations (YMCA), International Youth and Student Movement for the United Nations (ISMUN), Defence for Children International and the Union of Arab Jurists, said that the dramatic escalation of violence against the Palestinian population of the occupied territories had resulted in increased suffering and loss of life. Homes were being destroyed and olive orchards uprooted. People were living in constant fear and uncertainty about the future.

70. The collective punishment and humiliation of the Palestinian people was not the way to bring about peace and justice. A situation of unbearable oppression and loss of hope had arisen. Young people had been forced to take desperate measures to change their situation. According to the Universal Declaration of Human Rights and the pertinent resolutions of United Nations bodies, the Palestinians had the right to self-determination. The occupation by Israel of the Palestinian territories was the root of the violations and had to end.

71. The current armed conflict had drawn large numbers of combatants and weapons into areas populated by civilians, making women and children extremely vulnerable. The unjust restrictions enforced by the Israeli Government on the mobility of the Palestinian people constituted grave violations of human rights and endangered the health of those denied access to medical services. Access to water was poor and women were finding it difficult to provide food for their families. Children were the most tragic victims, living in fear of losing family members, or their own lives, and being deprived, inter alia, of the right to health care, the right to attend school, the right not to be victims of violence and war and the right to childhood.

72. The organizations she was representing urged the Commission to call on those involved in the conflict to protect the civilian population under the provisions of international humanitarian law and the relevant resolutions of United Nations bodies. The Commission was urged to recommend to the Security Council that immediate action had to be taken to provide international protection for the Palestinian people, to end the Israeli occupation of all the Palestinian territories occupied since 1967, to create a Palestinian State with East Jerusalem as its capital and to address the question of Palestinian refugees in a just and legal way.

73. Mr. LACK (International Association of Jewish Lawyers and Jurists) said that the report by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/2002/32) was worthless in that it sought to deny the root cause of the Arab-Israeli conflict: the continued denial of Israel's right to exist. It also used the mendacious term "occupation", whereas the acquisition of territory by a country in the course of the exercise of its inherent right to self defence did not constitute illegal occupation. The report also took no account of the territory handed over by Israel under the Oslo agreements.

74. The reference to the occupation of territory as being the underlying cause of terrorist violence was baseless since, under article 42 of the 1907 Hague Regulations respecting the Laws and Customs of War on Land, territory could be regarded as occupied only "when it is actually placed under the authority of the hostile army".

75. He called upon the Commission to condemn unequivocally Palestinian terrorism.

76. Mr. LITTMANN (World Union for Progressive Judaism) said that the right to life was a right from which all other rights flowed and that premeditated genocide was the worst crime against humanity. He quoted at length from the 1988 Charter of Hamas, and described the Palestinian suicide bombers as "Islamikazes" ...

77. Mr. AKRAM (Pakistan), speaking on a point of order, said that, under the rules of procedure, no speaker should use terms which were insulting to any country, culture or religion. He objected to the use of the word "Islamikaze" and asked the Chairperson to request the speaker to desist from using such a word which was insulting to his religion. He hoped that it would be deleted from the Commission records.

78. The CHAIRPERSON reminded all delegations of the appeal he had made to the Commission in his inaugural speech not to use insulting language. All terms and formulations that could be regarded as insulting should be avoided.

79. Mr. LITTMANN (World Union for Progressive Judaism) said that, while he was fully aware that only a mutual ceasefire followed by political negotiations could open the path to peaceful reconciliation in the Middle East, the Commission should address an appeal to Muslim spiritual and secular leaders to define what they understood by "terrorism" and to request that they condemned the jihad ideology as a gross distortion of their religion.

80. Mr. FAYEK (Arab Organization for Human Rights), said that the most serious aspect of the all-out war being launched by the Israeli occupation force against unarmed Palestinians was its pretence of being a fight against terrorism so as to justify killing Palestinians as being self-defence. The real problem was the continuing occupation of Palestinian territory, depriving Palestinians of their rights and contravening international human rights instruments and the resolutions of United Nations bodies. Israel had committed war crimes and other crimes against humanity. Its Government had rejected any initiative for a real peace, including its refusal of the latest Arab initiative.

81. The Palestinian people had no choice left but martyrdom, not excluding their leader, President Arafat, who was besieged by Israeli forces in Ramallah. The escalation of violence by Israel represented the true definition of State terrorism, threatening the peace and security of the whole region. The international community must intervene and Israel must realize that peace could not be achieved by occupation, deprivation of rights or the use of excessive force.

82. Although the United Nations had supported nations suffering under colonialism, the Palestinian people had been deprived even of the protection granted to them by international instruments. The Commission had an historic responsibility to call for an end to the repression of the Palestinian people, a lifting of the siege on President Arafat, the release of all prisoners

and respect for the Fourth Geneva Convention. It should also seek to bring about an end to occupation of Palestinian territories, make Israel accountable for its grave violations of human rights and encourage it to respect international humanitarian law.

83. Mrs. CHING (Amnesty International) said that, if human rights were not on the agenda of any ceasefire talks, there could be no sustainable peace. Palestinians had been responsible for breaching fundamental principles of international humanitarian law, but such actions could never justify the human rights violations and grave breaches of the Geneva Conventions committed daily by the Israeli authorities. Recent Amnesty International investigations of attacks by the Israeli army on towns including refugee camps had established that heavy fire was used in densely-populated residential areas, curfews were imposed in the camps, arbitrary arrests had been made and property was being destroyed on a regular basis. Moreover, during incursions into the camps the IDF had unlawfully killed six medical aid workers including two doctors.

84. The Commission should send a strong message to all the Governments involved in the peace process that human rights must not be neglected and should call for the urgent deployment of international human rights monitors. Only with full respect for human rights would it be possible to achieve security in the region.

85. Mrs. LUPING (Cairo Institute for Human Rights Studies (CIHRS)), speaking also on behalf of the Palestinian Society for the Protection of Human Rights and the Environment (LAW), said that the failure to investigate or prosecute the war crimes perpetrated by the Israeli military regime had led to their proliferation and escalation. In their declaration of 5 December 2001, the High Contracting Parties to the Geneva Conventions had called upon Israel to "immediately refrain from committing grave breaches" legally defined as war crimes.

86. The crimes committed had included wilful killings, the wilful causing of great suffering or serious injury to body or health, extensive destruction of property, the use of torture (as confirmed by the Committee against Torture), deportations and transfers of populations and crimes against humanity.

87. LAW and CIHRS called upon the Commission to reaffirm the illegality of the occupation, request an urgent special session of the General Assembly to consider measures for restoring peace and the protection of the civilian population, oversee the implementation of Security Council resolutions, including 1397 (2002), and call upon Member States to make donations to the key humanitarian agencies providing vital services to meet the current humanitarian crisis.

88. Mr. TAIWO (Human Rights Watch) said that, since the previous session of the Commission, the human rights crisis in the West Bank and Gaza had intensified and an estimated 500 Palestinian civilians had been killed, showing a blatant disregard for civilian lives. Although the Israeli security forces had been responsible for extensive abuses of human rights, the Palestinian Authority had also failed to prevent armed groups from making indiscriminate attacks so as to maximize Israeli civilian casualties and had tortured and arbitrarily detained Palestinians.

89. He called upon the Commission to reaffirm unequivocally that steps towards peaceful resolution of the conflict must incorporate a commitment to and respect for international human rights and humanitarian law. His organization had investigated recent Israeli military incursions into Palestinian towns and villages and found that Palestinians were coerced into identifying the houses of those sought for interrogation in a manner contrary to the duty to respect and protect civilians under international humanitarian law. Similarly, widespread Israeli destruction of civilian properties had been documented in Gaza and the West Bank and there were restrictions placed on Palestinian freedom of movement which were so injurious as to amount to a form of collective punishment.

90. His organization called upon the Commission to address such grave and systematic violations of human rights and humanitarian law, urge the Government of Israel to conduct thorough investigations into all suspicious killings by members of its security forces, urge the Palestinian Authority to bring to justice persons responsible for attacks on civilians and endorse the standards contained in the Declaration by the High Contracting Parties to the Fourth Geneva Convention, particularly the need for the deployment of impartial observers to monitor breaches of the Convention, and ensure the effective implementation of humanitarian law.

91. Ms. ELMASU (Al-Haq, Law in the Service of Man) said that, following the new campaign of aggression against the Palestinian people launched by the Government of Israel, the international community should take immediate steps to ensure the protection of Palestinians and call for an immediate end to the illegal Israeli occupation of the Palestinian territories. The situation in Ramallah was indicative of the growing humanitarian crisis where restrictions on movement had affected medical teams from the ICRC and the Palestinian Red Crescent Society, preventing them from assisting the sick and wounded. House-to-house searches continued throughout the occupied territories with many people being arbitrarily detained (and beaten) by the IDF.

92. Her organization urged the Commission and the international community to take immediate action to censure Israel for its invasion and call for an immediate withdrawal; ensure that Palestinians were given access to humanitarian assistance; condemn all attacks on hospitals and medical staff and provide an international force to offer immediate protection to the civilian population of Palestine.

93. Mr. RAMLAWI (Observer for Palestine), speaking in exercise of the right to reply, said that the current Israeli incursions into Palestinian towns and villages were causing the deaths of scores of Palestinians and the Israeli forces were committing grave violations of human rights. That very morning, there had been an attack on the Palestinian security compound building in Ramallah which had threatened the lives of many civilians, including women and children.

94. In response to a point made by the observer for the United States who had said that, if the Commission condemned Israel, it was expressing support for violence, he said that, if the Commission was unable to condemn Israel, it would be defending aggression, military occupation and grave violations of human rights which ran counter to its very purpose and principles.

95. Mr. LEVY (Observer for Israel) speaking in exercise of the right to reply, said that Israel, like all nations, had the right to self defence which was how it had come into possession of the territories occupied in 1967. It wished to resolve the issue through negotiations, not through violence and terrorism. Although economic loss and unemployment had been prevalent among Palestinians since Israel closed its borders to Palestinian workers, he wondered whether any other State would have acted differently to prevent the planting of bombs on its territory.

96. With regard to the Palestinian refugee problem, he would like to know why, if the Palestinians really only wanted a State of Palestine in which they could live peacefully side by side with Israel, they were insisting on the right of return of millions of Palestinians to the State of Israel rather than their own State. He also pointed out that criticisms of human rights violations had been levelled for the most part only at Israel and wondered why that was so.

97. Mr. RAMLAWI (Observer for Palestine), speaking in exercise of the right to reply, said that every time the Israeli delegate spoke he mentioned the hundreds of Israelis murdered but never referred to the number of Palestinians assassinated. He wondered what Israel wanted to negotiate about. If it really wanted peace, all it had to do was to withdraw its forces from the occupied territories. Since Israel had occupied the Palestinian territories without negotiations in a very short space of time, it could take similar steps to withdraw its forces just as quickly. Only then could peace and stability be restored to the region.

98. Mr. LEVY (Israel) speaking in exercise of the right to reply, said that he submitted to the Commission that violations of human rights were not an issue for which the Commission could castigate one party alone. His delegation grieved for all those killed in the conflict and wanted to see an end to the violence. It would have liked to hear a statement from some of the delegations present, which had been championing the Palestinian cause, regretting the loss of life of Israeli citizens killed in terrorist attacks.

99. As stated in the past, Israel was still willing to negotiate regarding the territories into which it had entered in 1967 as a result of self-defence, but the peace process was a difficult one and required compromises on both sides. Progress would be made only by recognizing one another's rights. In all the statements to the Commission, references had been made to steps which should be taken by one party alone, but peace could not be achieved through unilateral action.

The meeting rose at 1 p.m.